

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

AMERICAN GENERAL LIFE INSURANCE
COMPANY,

Plaintiff,

v.

OBERLANDER PLANNING TRUST,
by and through its trustee, NATHAN
OBERLANDER,

Defendant.

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: Case No.: 2:10-cv-01902-WHW -CCC
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AFFIDAVIT OF ALANA K. PULASKI

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, Alana K. Pulaski, being duly sworn upon my oath, do hereby depose and state as follows:

1. I am over the age of twenty-one (21) years of age and am fully competent to make this affidavit. I am an attorney employed by Edison, McDowell & Hetherington LLP at Phoenix Tower, 3200 Southwest Freeway, Suite 2920, Houston, Texas 77027. I am authorized to make this Affidavit on behalf of Plaintiff American General Life Insurance Company ("American General"), and have personal knowledge of the facts set forth in this affidavit and they are true and correct.

2. I am an attorney licensed to practice law in the State of Texas and have been admitted *pro hac vice* in the United States District Court for the District of New Jersey. I represent American General in the United States District Court for the District of New Jersey in

the lawsuit styled Case No.: 2:10-cv-01902-WHW -CCC; *American General Life Insurance Company v. Oberlander Planning Trust, by and through its trustee, Nathan Oberlander*.

3. On February 10, 2011, the Clerk issued a Notice of Call for Dismissal Pursuant to Local Rule 41.1(a) ("Notice of Call"). Docket No. 14.

4. This Affidavit is filed as required by the Notice of Call and Local Civil Rule 41.1(a) to demonstrate good cause for not dismissing for lack of prosecution the above-captioned action, and retaining the action on the Court's docket.

5. American General filed its Complaint for Declaratory Judgment ("Complaint") on April 14, 2010. *See* Docket No. 14. American General served the Complaint on Defendant Oberlander Planning Trust by serving its trustee, Nathan Oberlander, on June 17, 2010. The Return of Service was filed with the Court on July 1, 2010. *See* Docket No. 8.

6. Per FEDERAL RULE OF CIVIL PROCEDURE 12(a)(1)(A), Defendant's answer to the Complaint was due on July 8, 2010. *See* FED. R. CIV. P. 12(a)(1)(A). Defendant has not filed an answer or otherwise responded or appeared within the time allotted under Rule 12(a)(1)(A) of the Federal Rules of Civil Procedure. *See generally* Docket Sheet.

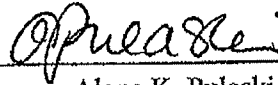
7. American General filed Plaintiff American General Life Insurance Company's Motion for Entry of Default Against Defendant Oberlander Planning Trust on July 21, 2010. Docket No. 12.

8. The Clerk of the Court entered default against Defendant Oberlander Planning Trust on July 21, 2010. *See* Docket Entry dated July 21, 2010 (reflecting "Clerk's Entry of Default as to Oberlander Planning Trust").

9. American General filed Plaintiff American General Life Insurance Company's Motion for Default Judgment and proposed Order on March 1, 2011. Docket No. 16.

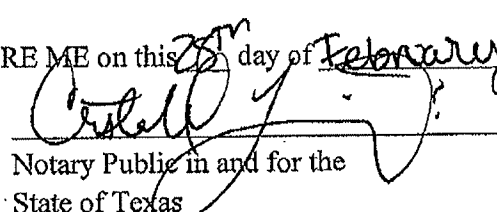
10. Good cause exists for not dismissing this action in order to permit the Court's consideration of American General's Motion for Default Judgment.

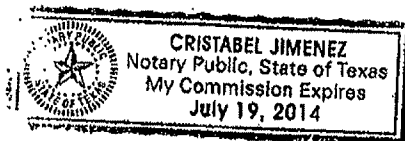
11. The delay between the Clerk's entry of default as to Defendant and American General's filing of American General's Motion for Default Judgment did not prejudice Defendant because Defendant has failed to appear. American General's Motion for Default Judgment should, therefore, be considered by the Court in due course, thereby serving the interests of justice and judicial efficiency.



Alana K. Pulaski

SWORN TO and SUBSCRIBED BEFORE ME on this 28th day of February 2011.


Notary Public in and for the
State of Texas



My Commission Expires: 7-19-14